



CITY CLERK

## CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk  
801 North First Street, Room 116  
San José, California 95110  
Telephone (408) 277-4424  
FAX (408) 277-3285

STATE OF CALIFORNIA )  
COUNTY OF SANTA CLARA )  
CITY OF SAN JOSE )

I, Patricia L. O'Hearn, City Clerk and Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 27034**", the original copy of which is attached hereto, was passed for publication of title on the **9<sup>th</sup> day of December, 2003**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **16<sup>th</sup> day of December, 2003**, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, DANDO, GREGORY,  
LeZOTTE, REED, WILLIAMS, YEAGER; GONZALES

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

VACANT: NONE

Said ordinance is effective as of **January 16, 2004**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **19<sup>th</sup> day of December, 2003**.

(SEAL)

PATRICIA L. O'HEARN  
CITY CLERK AND EX-OFFICIO  
CLERK OF THE CITY COUNCIL

12/19/03csd

ORDINANCE NO. 27034

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING  
SECTION 23.02.1010 OF CHAPTER 23.02 AND  
SECTIONS 23.04.020, 23.04.030 AND 23.04.040 OF  
CHAPTER 23.04, ALL OF TITLE 23 OF THE SAN JOSE  
MUNICIPAL CODE STREAMLINE SIGNAGE  
REGULATIONS IN INDUSTRIAL AND COMMERCIAL  
ZONING DISTRICTS**

**WHEREAS**, the City Council has reviewed, considered and approved information and conclusions contained in that certain Final Environmental Impact Report entitled "San José 2020 General Plan" (and adopted under Resolution No. 65459 on August 16, 1994 in connection therewith) and has considered that FEIR and Addenda thereto in connection with this proposed project under Public Project File No. PP 03-11-03, all prior to approving this Ordinance.

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE AS FOLLOWS:

**SECTION 1.** Section 23.02.1010 of Chapter 23.02 of Title 23 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

**23.02.1010 Prohibited signs; prohibited displays.**

- A. Unless otherwise expressly allowed in this Title, the following signs are prohibited:
1. Animated signs.
  2. Billboards.
  3. Inflatable signs.
  4. Mechanical movement signs.
  5. Portable signs.

6. Roof signs.
  7. Flat roof-top signs.
  8. Signs facing and visible from a freeway unless the parcel on which the sign is located is within the Urban Service Area as indicated on the General Plan Land Use/Transportation Diagram, and (a) separated from the freeway by another public right-of-way, (b) has direct access to the freeway, or (c) the main public entrance to the building(s) presently on site are oriented towards the freeway.
  9. Signs placed on trees, rocks or other natural formations, except signs which identify the name of the natural formation; and
  10. Signs placed on trucks, buses, cars or other motorized vehicles:
    - a. Unless all of the following conditions exist:
      - (1) The vehicle is in operating condition, currently registered and licensed to operate on public streets;
      - (2) The sign is painted upon or otherwise permanently attached to the vehicle; and
      - (3) The primary purpose for which the vehicle is used is not for the stationary display of the sign.
    - b. This restriction shall not apply to temporary signs in vehicle windows.
- B. The following displays used in conjunction with signs are prohibited:
1. Balloons;
  2. High intensity beam lights; or
  3. Strings of ribbons, tinsel, small flags, pennants, streamers, spinners, metallic disks, pinwheels, or other similar devices designed to move in the wind.

**SECTION 2.** Section 23.04.020 of Chapter 23.04 of Title 23 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

**23.04.020 Attached signs.**

A. Quantity.

1. No more than one sign shall be permitted for each separate ground-level occupancy frontage, except that:
  - a. Any ground-level occupancy with more than one occupancy frontage may have one attached sign on each occupancy frontage, not to exceed four (4) frontages; and
  - b. Any ground-level occupancy exceeding twenty thousand (20,000) square feet may have up to three signs on one of its occupancy frontages and any ground-level occupancy exceeding fifty thousand (50,000) square feet may have up to five signs on one of its occupancy frontages.
  - c. Any building with a building footprint greater than one hundred thousand (100,000) square feet which has interior tenant spaces with no occupancy frontages may have up to five additional signs in addition to those set forth in Subsections a and b above.
  - d. Parcels located entirely within the Capitol Expressway Auto Mall Signage Area may have an unlimited number of attached signs; provided, however, that the attached signs shall otherwise meet all of the other size, height and setback requirements of this Section, including, without limitation, that the aggregate sign area of all attached signs shall not exceed the size limitations set forth in this Section.
2. One sign shall be permitted for each second-story occupancy frontage with direct exterior access to the ground from the second story.

B. Size.

1. The aggregate sign area of all attached signs on a ground-level occupancy frontage shall not exceed one square foot for each linear foot of such occupancy frontage to a maximum of three hundred (300) square feet per occupancy frontage.
2. Second- or third-story attached sign(s) shall be limited to one-half the first-floor sign area allowances.
3. The sum of the sign area of the attached signs on any building frontage shall not exceed one square foot for each linear foot of building frontage or the total number of occupancy frontages multiplied by six hundred (600) square feet, whichever is less.

C. Height.



1. No attached sign shall be displayed higher than the finished floor elevation of the fourth floor of a building.
2. In Neighborhood Business Districts for buildings constructed prior to May 1, 1992, upward extensions of building facades that are sloped from the vertical plane at an angle no greater than sixty (60) degrees shall be treated as extensions of the wall of the building and not as roofs for purposes of signage regulation. A sign placed on such an upward extension may not extend in height to within six inches of the highest point of the upward extension. Only permanent signs may be placed on such upward extensions.

D. Setbacks.

1. Signs facing an abutting residential parcel shall be at least thirty (30) feet from the property line of such residential parcel.
2. Signs facing an abutting nonresidential parcel shall be at least ten (10) feet from the property line of such nonresidential parcel, unless the abutting nonresidential parcel contains a parking lot or driveway at its nearest point to the sign, in which case no minimum setback is required.

E. Other Provisions.

1. Additional Allowed Signage. The following additional signs shall be allowed and shall not reduce otherwise allowed signage.

a. Fin Signs.

(1) Fin signs shall be allowed that:

- (a) Do not exceed ten (10) square feet in area per side;
- (b) Project no more than three (3) feet from the wall to which it is attached;
- (c) Are located at least seven feet but not more than twelve feet above grade; and
- (d) Are not illuminated or are illuminated by external lighting.

(2) Each ground-level occupancy frontage may have one (1) such fin sign if such sign is located near its primary entryway.

(3) Exception.

- (a) In Neighborhood Business Districts, fin signs may project more

than three (3) feet from the wall to which attached.

b. Awning Signs.

- (1) A maximum of two (2) awning signs of no greater than ten (10) square feet in area may be placed upon each discrete surface of an awning.
- (2) Awning signs shall be located at least seven (7) feet but not more than twelve (12) feet above grade.
- (3) Awning signs shall not be illuminated.
- (4) Awning signs shall maintain a minimum three (3)-inch clearance from the edge of the discrete surface of the awning on which the sign is placed.

c. Window Signs.

- (1) Window signs consistent with Section 23.02.1060 of this Title are allowed.
- (2) Window signs shall not be allowed above the first floor, except as follows:
  - (a) Window signs may be displayed by second-story occupancy frontages with no separate ground-level frontage.
  - (b) In Neighborhood Business Districts, window signs may be displayed on first- and second-story occupancy frontages.

2. Marquees.

- a. The maximum sign area of marquees and the maximum amount of other signage on an occupancy frontage with a marquee shall be subject to design approval and shall not be subject to other size and quantity restrictions in this part.
- b. Exception. Marquees shall not be allowed in the CO Commercial District and in the IP, LI, and HI Industrial Districts.

3. Lightbox Signs for Gasoline Service Stations.

- a. The signage allowed for lightbox signs for gasoline service stations shall be limited to twenty (20) percent of the surface area of the lightbox up to a maximum of eight (8) square feet.

- b. A maximum of two (2) canopy signs are allowed per lightbox, provided that each canopy sign shall not exceed a maximum size of eighteen (18) inches high by eighteen (18) inches wide, and each canopy sign shall maintain at least a three (3)-inch clearance from the edge of the canopy to the surface to which it is attached. No two (2) canopy signs shall be placed on the same side of a canopy.

4. Skyline Signs; Roof Signs.

a. Applicability.

- (1) Buildings located in the area bounded by State Highway 87, US 101 and Interstate 880 that are eighty-five (85) feet or greater in height above grade may have either skyline signs or roof signs; and
- (2) Buildings located in the Julian-Stockton Redevelopment Area and not located in the Downtown Sign Zone that are eighty five (85) feet or greater in height above grade may have either skyline signs or roof signs; and
- (3) Buildings located in the area of the City north of US 101 and west of Interstate Highway 880 may have skyline signs on buildings less than eighty-five (85) feet in height, and skyline or roof signs on buildings eighty-five (85) feet or greater in height.
- (4) Buildings located in the Edenvale Industria, Redevelopment Area may have skyline signs on buildings less than eighty-five (85) feet in height, and skyline or roof signs on buildings eighty-five (85) feet or greater in height.
- (5) Non-garage uses on the top floor of parking garages located in the areas described in Subsections 4.a.(1), (3), and (4) may have skyline signs.

b. Dimensions.

- (1) In the area bounded by State Highway 87, US 101 and Interstate 880:

- (a) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty-five (85) feet or greater in height above grade shall not exceed five hundred (500) square feet per building and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet.
- (b) The total amount of square footage of sign area for skyline signs for non-garage uses on the top floor of parking garages shall not exceed five hundred (500) square feet per building and any one such skyline sign shall not be larger than two hundred fifty (250)

square feet.

(2) In the area located in the Julian-Stockton Redevelopment Area that is not located in the Downtown Sign Zone:

- (a) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty five (85) feet or greater in height above grade shall not exceed five hundred (500) square feet per building, and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet; and
- (b) Skyline or roof signs located on buildings within one thousand (1,000) feet of a public park, river or creek shall not directly face that public park, river or creek unless the skyline or roof sign would not be visible from that public park, river or creek; and

(3) In the area of the City north of US 101 and west of Interstate Highway 880:

- (a) The total amount of square footage of sign area for all skyline signs on buildings less than eighty-five (85) feet shall be limited in size to an area equal to one half ( $1/2$ ), of the first floor sign area allowances.
- (b) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty-five (85) feet or greater in height above grade shall not exceed five hundred (500) square feet per building and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet.
- (c) The total amount of square footage of sign area for skyline signs for non-garage uses on the top floor of parking garages shall not exceed five hundred (500) square feet per building and any one such skyline sign shall not be larger than two hundred fifty (250) square feet.

(4) In the area located in the Edenvale Industrial Redevelopment Area:

- (a) The total amount of square footage of sign area for all skyline signs on buildings less than eighty-five (85) feet shall be limited in size to an area equal to one half ( $1/2$ ) of the first floor sign area allowances.
- (b) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty-five (85) feet or greater in height above grade shall not exceed five hundred (500) square feet per



building and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet.

(c) The total amount of square footage of sign area for skyline signs for non-garage uses on the top floor of parking garages shall not exceed five hundred (500) square feet per building and any one such skyline sign shall not be larger than two hundred fifty (250) square feet.

- c. Quantity: A total of either two (2) skyline signs or two (2) roof signs are allowed per building; provided, however, that in the Edenvale Industrial Redevelopment Area a combination of skyline and roof signs are allowed not to exceed two (2) signs in the aggregate per building.
- d. There shall not be both a skyline sign and a roof sign on the same building or on connected buildings, subject to the provisions of Subsection 23.04.020.E.4.c above.
- e. Skyline signs and roof signs may be illuminated with external lighting; halolighting; and internal lighting if only the letters or symbols are illuminated. Such signs shall be illuminated only with continuous lighting except that gradual color changes shall be allowed if there is no perception of flashing lights created.
- f. Skyline signs and roof signs on buildings eighty-five (85) feet or greater in height above grade shall not reduce otherwise allowable signage for the building.

**SECTION 3.** Section 23.04.030 of Chapter 23.04 of Title 23 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

**23.04.030 Free-standing Signs.**

**A. Quantity.**

- 1. One free-standing sign shall be allowed on a parcel for each street frontage of the parcel which measures one hundred (100) linear feet or more in length, except that:
  - a. Parcels entirely located within the Capitol Expressway Auto Mall Signage Area may have one (1) free-standing sign per parcel, plus one (1) additional free-standing sign for each automobile manufacturer sold on that parcel up to a maximum of two (2) such additional free-standing signs, such that the total number of free-standing signs allowed on the parcel shall not exceed three (3) free-standing signs.

2. For corner parcels, no more than one free-standing sign shall be located within one hundred feet of the corner intersection.
3. Exception: In addition to the signs authorized by Subsection 1 above, in the CG, IP, LI, and HI Industrial Districts, parcels with more than five hundred (500) linear feet of street frontage may have one additional free-standing sign for each five hundred (500) linear feet of street frontage beyond the initial five hundred (500) feet of street frontage. Such sign shall be not more than twenty (20) square feet in sign area and six feet in height.

B. Size.

1. The aggregate sign area of all free-standing signs on a parcel shall not exceed a total area equal to one square foot per each five linear feet of street frontage of the parcel.
2. No free-standing sign shall have an area in excess of one hundred twenty (120) square feet.
3. A free-standing sign shall have a maximum sign area of forty (40) square feet when facing streets with residential uses or zoning districts across the street.
4. Exceptions.
  - a. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, one allowed (1) free-standing sign on a parcel shall not exceed a maximum sign area of one hundred twenty (120) square feet and any remaining allowed free-standing sign on a parcel shall not exceed a maximum sign area of fifty (50) square feet.

C. Height.

1. The maximum height of a free-standing sign shall be the square footage of the sign area divided by four. However, in no event shall the height of any sign exceed twenty feet.
2. Exceptions:
  - a. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, the maximum height of one (1) free-standing sign on a parcel shall not exceed twenty-five (25) feet and the maximum height of any other allowed free-standing sign on the parcel shall not exceed nine (9) feet.

D. Setbacks.

1. The required front setback of a free-standing sign on a parcel shall be a minimum of four (4) feet for any sign that is six (6) feet or less in height, six (6) feet for any sign greater than six (6) feet in height but less than ten (10) feet in height, and ten (10) feet for any sign that is ten (10) feet or greater in height.
2. Exceptions:
  - a. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, the required front setback of any free-standing sign on the parcel shall be a minimum of four (4) feet.
3. Each free-standing sign shall be located at least twenty-five (25) feet from the side and rear property lines of the parcel.

E. Other Provisions.

1. Landscaping. All free-standing signs shall be located fully within a landscaped area extending from the supporting structure of the sign to a point on all sides that is at least four feet from vertical lines drawn from the outer edges of the sign. For purposes of this provision, "landscaped area" shall mean an area containing live plant material including, but not limited to, ground cover, shrubs, grass and trees.
2. Time and Temperature Signs.
  - a. Any otherwise allowed free-standing sign may include a time and temperature sign not exceeding fifteen square feet in sign area.
  - b. A time and temperature sign not exceeding fifteen square feet in sign area, excluding any frame, may be located on the primary building on a parcel.
  - c. Any time and temperature sign meeting the requirements of Subsection a or b above shall not reduce otherwise allowable signage.

F. Multiple Parcels Subject to a Single Development Permit.

Where more than one parcel is subject to a single development permit issued pursuant to Chapter 20.100, the term "parcel" as used in this section shall mean the entire site covered by the single development permit.

**23.04.040 Illumination.**

- A. Unless otherwise expressly provided herein, signs may be illuminated only with

continuous lighting.

B. Except as provided for fin signs in Subsection 23.04.020.E.1.a above, signs may be illuminated with:

1. Neon tube lighting
2. External lighting.
3. Internal lighting.
4. Halolighting.

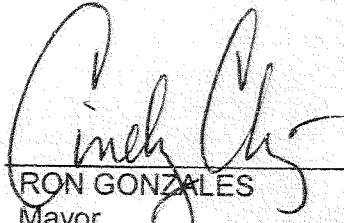
**PASSED FOR PUBLICATION** of title this 9<sup>th</sup> day of December, 2003, by the following vote:

AYES: CHIRCO, GREGORY, LeZOTTE, REED,  
WILLIAMS, YEAGER, CHAVEZ

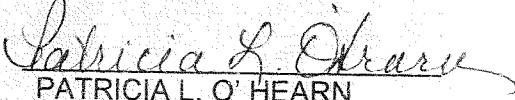
NOES: NONE

ABSENT: CAMPOS, CORTESE, DANDO, GONZALES

DISQUALIFIED: NONE

  
\_\_\_\_\_  
RON GONZALES  
Mayor  
Cindy Chavez, Mayor Pro Tem

ATTEST:

  
\_\_\_\_\_  
PATRICIA L. O' HEARN  
City Clerk